



Senate Bill 402

Mental Health – Involuntary Admission – Inmates in Correctional Facilities

MACo Position: **SUPPORT**

To: Finance Committee

Date: February 20, 2019

From: Natasha Mehu

The Maryland Association of Counties (MACo) **SUPPORTS** SB 402 as it strives to address the pressing issue of inmates with serious mental illness being held in county jails instead of receiving treatment in the appropriate state facilities.

Jails are inappropriate facilities to house inmates with severe mental illness. They are not equipped to provide the treatment services needed for individuals who, due to the severity of their illness, are a danger to themselves and others and in need of inpatient care but are unwilling or unable to volunteer for treatment. Those individuals who qualify for involuntary commitment are better suited in a state facility.

SB 402 repeals the requirement that an inmate in a local jail who qualifies for involuntary admission can only be admitted if the Department agrees to pay for it. Additionally, it allows for privately paid evaluations and certifications, as well as authorizes the Department to accept federal, public, or private grants to comply. It also requires that inmates be placed within 12 hours of certification for involuntary admission and provides a process for judicial oversight as well as remedies and sanctions against the Department for failing to meet these requirements.

While some progress has been made regarding the prompt placement of certain defendants court-ordered into treatment, more must be done. The State must ensure that inmates who meet the criteria for involuntary admission are also promptly and appropriately placed in a state facility. These individuals are often those with the most severe illness that have manifested or deteriorated during their incarceration and there is no less restrictive form of intervention to address their safety and welfare. Due to the severity of their mental illness, holding these inmates in jail longer than absolutely needed is unconscionable. County jails cannot continue to be *de facto* mental health facilities.

SB 402 strengthens the process for inmates in need of involuntary commitment to be promptly placed in state facilities for the care they need without languishing inappropriately in county jails. Accordingly, MACo urges a **FAVORABLE** report on SB 402.